IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

CHAMBER SUMMONS NO.1582 OF 2006
IN
SUIT NO. 1299 OF 2006

Ashok Damodardas Bhuta & Anr. ... Plaintiffs.

V/s.

Damodardas Bhaidas Bhuta & Ors. ... Defendants.

And

M/s. Pride Associates. ... Applicants.
(Proposed Defendant No.8)

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Mr. Pritosh Jaiswal i/b. Kanga & Co. for the Plaintiffs.

Mr. Mark D'Mello for the Applicant.

Mr. Anil Yadav for the Defendants.

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CORAM : SMT. ROSHAN DALVI, J.

DATE : 9TH FEBRUARY 2007.

P.C. :

1. The Applicants seek to be a party Defendants in the Chamber Summons. The Applicants are Developers of one of the properties left by the deceased grandfather whose estate is sought to be administered in the suit. The suit is therefore essentially between the heirs and legal representatives of the deceased grandfather. Some of the Defendants are stated to have entered into an agreement for sale in favour of the Applicant. The Applicant derives no right title and interest thereon, since the document is neither registered nor sufficiently stamped.

Thus, the Applicants cannot sue on the agreement. They cannot be proper parties to the suit for administration of the estate which includes that property which continues to belong to the estate since property is not conveyed to the Applicants. Hence, the Applicant is neither proper nor necessary party in the suit.

2. Chamber Summons is dismissed.

(SMT.ROSHAN DALVI,J.)